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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/034,939	03/04/1998	EDWARD B. KNUDSON	UV-42	4035

7590

04/10/2003

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/034,939

Applicant(s)

KNUDSON ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 103,104,109,110,115,116,121,122,176,177,182 and 183 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 103,104,109,110,115,116,121,122,176,177,182 and 183 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 103-104, 109-110, 115-116, 121-122, 176-177, and 182-183 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hendricks (U.S. Patent No. 5,600,364).

✓ Referring to claim 103, Hendricks discloses monitoring a user's interactions with the interactive television program guide to determine the user's interests (see Column 17, Lines 50-55 for a description of "status reports" that contain information for user access history, which defines a user's programming interests). Also note Column 27, Lines 17-21 for a further discussion of monitoring a subscriber's program access history.

✓ Hendricks also discloses displaying targeted advertising based on the user's interests with the program guide (see Column 30, Lines 35-49 for a description of generated a profile using an algorithm that analyzes the subscriber's program access history, which is used to target a viewer or group of viewers with different advertisements).

Hendricks also discloses monitoring which advertisements are displayed by the program guide (see Column 31, Lines 36-40 for a teaching of the Advertisement

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Targeting File that contains information on the advertisements that have been chosen by the system as being of the most interest to a specific subscriber). The examiner notes that a network controller 214 monitors the set-top box 220 by transmitting a polling request (Column 26, Lines 27-33). The set-top box 220 then send a status report back to the network controller 214 (Column 27, Lines 17-21).

Hendricks also discloses transmitting information on which advertisements are displayed to a central facility (see Column 17, Lines 50-55 for transmitting a status report from the set-top box 220 to the network controller 214).

Hendricks also discloses maintaining a monitoring record containing information on which advertisements are displayed (again, see Advertisement Targeting File in the Advertisement Scheduling Database 322 at Column 31, Lines 30-40, for a record that is updated from the polling method discussed above, which keeps track of the advertisements that have been displayed).

Hendricks also discloses maintaining information on the location in the program guide in which each targeted advertisement is displayed. The polling method is further discussed at Column 26, Lines 27-32, which explains that when the network controller 214 sends a polling request message to the set-top box 220 that it has a frame format 920 disclosed in Figure 10a. After a set-top box 220 receives the polling request message, the set-top box returns a "status report" (discussed above) and this report has a format disclosed in Figure 10b, which is substantially identical to the frame format 920 in Figure 10a (see Column 27, Lines 50-53). Since the frame format 920 of the "status report" is substantially identical to the polling request made from the network controller

214, at Column 26, Lines 32-33 Hendricks discloses that the frame format 920 may include such program control information as shown in Tables A-C.

Table A specifically discloses a "Menu code" and a "Description" code. The "Menu code" defines a location in the menu (program guide) where the program will be displayed (see Table A and Column 18, Lines 30-35 and Line 49). The "Description" codes are used to define whether there is still or live video available to advertise the program (see Table A and Column 19, Lines 25-27). Therefore, Hendricks discloses maintaining information on the location in the program guide in which each targeted advertisement is displayed.

Claim 104 directly relates to claim 103, but instead of maintaining information on the location in the program guide in which each targeted advertisement is displayed, the applicant claims maintaining information on the reasons that the program guide displayed each targeted advertisement. Hendricks further discloses a Viewer Profile database 314 that includes a user's personal profile that consists of demographic information (Column 29, Lines 60-61 and Column 30, Lines 14-15). Hendricks also discloses that any demographic data entered by the viewer (see Column 30, Lines 20-26) will assist the set-top box 220 in targeting advertisements to the viewer (see Column 30, Lines 26-28). Therefore, the demographic information can be considered reasons for displaying targeted advertisements as claimed by the applicant.

Referring to claims 109-110, 115-116, 121-122, 176-177 and 182-183, see rejection of claims 103-104, respectively. Also note that selecting a targeted action by

the user is broader than the selection of a targeted advertisement, and is therefore anticipated by the limitation "targeted advertisement".

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

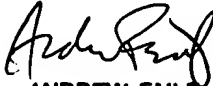
Shoff et al. (U.S. Patent No. 6,240,555) discloses layout data for instructing a set-top box where to position certain items in an EPG.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

April 3, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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